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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,396	10/20/2003	Juba M. Salo	042933/269778	2878
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ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER GERGISO, TECHANE	
			ART UNIT	PAPER NUMBER
			2137	
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			12/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/689,396

Applicant(s)

SALO ET AL.

Examiner

Techane J. Gergiso

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/15/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a Final Office Action in response to the applicant's communication filed on October 15, 2007.
2. New claims 28-36 are added.
3. Claims 1-36 are pending.

Response to Arguments

4. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 10-13, 19-22 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puhl et al. (US 6,223,291 B1) in view of Landsman et al. (US Pat. No.: 7,143,337).

As per claim 1, 10, 19 and 28:

Puhl discloses a system, a method, a computer readable medium, an apparatus respectively for downloading pushed content comprising; a terminal comprising a processor configured to receive service loading content that identifies download content and has a digital signature. The processor is implicitly stated by the prior art. Wherein the processor is configured to authenticate the service loading content based upon the digital signature, and if the service loading content is authenticated, pulling the download content to the terminal and wherein the processor is configured to authenticate the service loading content and pulling the downloading content, in response to receiving the service loading content (col. 13, lines 30-46; col. 13, lines 47-67) and independent of interaction for a user of the terminal (col. 8, lines 2-4, lines 10-12).

Puhl does not explicitly teach wherein the processor is configured to determine if an interruption occurs in pulling the download content such that the terminal receives a portion but less than all of the download content, and if an interruption occurs in receiving the content, recover the download content including receiving a remaining portion of the download content without also receiving at least part of the previously received portion. However, Landsman, in an analogous art, teaches wherein the processor is configured to determine if an interruption occurs in pulling the download content such that the terminal receives a portion but less than all of the download content, and if an interruption occurs in receiving the content, recover the download content including receiving a remaining portion of the download content without also receiving at least part of the previously received portion (column 11: lines 20-28; To conserve communication link bandwidth, the agent then resumes downloading of these files at a point it was suspended, rather than, as conventionally occurs, totally re-starting the download.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Puhl to include wherein the processor is configured to determine if an interruption occurs in pulling the download content such that the terminal receives a portion but less than all of the download content, and if an interruption occurs in receiving the content, recover the download content including receiving a remaining portion of the download content without also receiving at least part of the previously received portion. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to decoupling referring web page content from its corresponding advertising content, to easily permits an advertiser to change or update any of its advertisements by just modifying, as needed, appropriate media and Descriptor files that reside in the third-party advertising management system as suggested by as suggested by Landsman (in column 13: lines 51-60).

As per claim 2, 11, 20 and 29:

Puhl discloses the processor of the terminal is configured to verify the digital signature with a public key to thereby authenticate the service loading content (col. 13, lines 30-40).

As per claim 3, 12, 21 and 30:

Puhl discloses a push initiator configured to digitally sign the service loading content with a private key associated with the public key and thereafter transmitting the service loading content to the terminal (col. 3, lines 11-14).

As per claim 4, 13, 22 and 31:

Puhl discloses an origin server associated with the download content, wherein the service loading content identifies the origin server associated with the download content (see para. 0009 of the background of the applicant invention); the processor of the terminal is configured to send a request for the download content to the origin server when the service loading content is authenticated (col. 13, lines 30-46) wherein the processor is configured to receive the download content from the origin server in response to the request (col. 13, lines 47- 49).

7. Claims 5, 14, 23 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puhl and Landsman in view of Chakravorty et al. (US 2004/0176080 A1).

As per claim 5, 14, 23 and 32:

Puhl and Landsman disclose except that the processor of the terminal is configured to operate a download agent, wherein the download agent is configured to receive a download descriptor and thereafter receiving the download content.

Chakravorty discloses a download descriptor and thereafter receiving the download content (see abstract). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chakravorty to include the use of a download descriptor in order to provide the user/device instructions on how to download content, such that the user/device may know where content resides and how to configure one system to receive content.

8. Claim 6-7, 15-16, 24-25 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puhl and Landsman in view of Chakravorty et al. (US 200410176080 A1) as applied to claim 5 above, and further in view of Singh et al. (US 200310147369 A1).

As per claim 6-7, 15-16, 24-25 and 33-34:

Puhl, Landsman and Chakravorty discloses all the limitation of claim 6-7, 15-16, 24-25 and 33-34 except that wherein determining if an interruption occurs determining if an interrupt occurs in receiving the plurality of data packets such that the download agent receives less than the plurality of data packets of the download content, and if an interruption occurs in receiving the plurality of data packets, wherein recovering the downloaded content comprises recovering the download content such that the download agent receives the plurality of data packets.

Singh discloses wherein determining if an interruption occurs determining if an interrupt occurs in receiving the plurality of data packets such that the download agent receives less than the plurality of data packets of the download content, and if an interruption occurs in receiving the plurality of data packets, wherein recovering the downloaded content comprises recovering the download content such that the download agent receives the plurality of data packets (para. 0354, lines 1-7; para 0357, lines 1-9). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Puhl to include the use of an agent for detection an interrupt during content downloading in order to ensure wireless device receive all data packets that the device is supposed to receive from the distributor, as wireless connectivity at times are not reliable (para. 0355).

9. Claim 8-9, 17-18, 26-27 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puhl and Landsman in view of Singh et al. (US 2003/0147369 A1).

Puhl and Landsman disclose all the limitation of claims 8-9, 17-18 and 26-27 except for the terminal is configured to operate a download agent configured to receive the plurality of data packets and receiving at least one information packet regarding at least one group of at least on data packet and determining if an interruption occurs while receiving the packets, if an interruption occurs recover the missing packets the was not previously received (para. 0354, lines 1-7; para 0357, lines 1-9).

Singh discloses the download agent is configured to determine if an interrupt occurs in receiving the plurality of data packets such that the download agent receives less than the

plurality of data packets of the download content, and if an interruption occurs in receiving the plurality of data packets, recovering the download content such that the download agent receives the plurality of data packets (para. 0354, lines 1-7; para 0357, lines 1-9).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Puhl and Landsman to include the use of an agent for detection an interrupt during content downloading in order to ensure wireless device receive all data packets that the device is supposed to receive, from the distributor, as wireless connectivity at times are not reliable (para. 0355).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See the notice of reference cited in form PTO-892 for additional prior art.

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Techane J. Gergiso whose telephone number is (571) 272-3784. The examiner can normally be reached on 9:00am - 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/T.G/

December 24, 2007


EMMANUEL L. ROISE
SUPERVISORY PATENT EXAMINER